

## **REMARKS**

### **1. The Amendments and the Support Therefor**

Two claims (26 and 29) have been canceled, two new claims (34 and 35) have been added, and claims 23, 27, 31, and 33 have been amended to leave claims 15-25, 27, 28, and 30-35 in the application. No new matter has been added by the amendments or new claims, wherein:

- *Independent claim 23* has been amended to incorporate its dependent claim 26, and also to specify that the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8);
- *Independent claim 27* has been amended to incorporate its dependent claim 29, and also to specify that the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8);
- *Claims 31 and 33* have been amended to address §112(2) issues (as discussed below), with claim 33 also being amended to address an incorrect claim dependency;
- *New Claim 34* finds support in, for example, FIGS. 2, 4, and 8;
- *New Claim 35* finds support at (for example) claims 22 and 30.

### **2. Sections 1-2 of the Office Action: Objections to the Abstract**

Regarding the objection on the basis that the Abstract is not presented on a separate sheet, please note that the Preliminary Amendment of September 23, 2004 did indeed present the Abstract on a separate sheet (note the “Remarks” section, and the separate sheet appended to the end of the Preliminary Amendment). Kindly withdraw this objection.

### **3. Section 3 of the Office Action: Rejection of Claims 31 and 33 under 35 USC §112(2)**

Claims 31 and 33 have been amended to eliminate any ambiguity.

**4. Sections 4-5 of the Office Action: Rejection of Claims 15, 18-21 and 23-25 under 35 USC §102 in view of U.S. Patent 3,170,182 to Burian**

Regarding *claim 15 and its dependent claims 18-21 and 34*, kindly reconsider and withdraw the rejections. The parent claim 15 is directed to “[a] method of restoring hook material used for hook and loop attachment, the hook material having stems arrayed thereupon with the stems each terminating in a hook . . . .” In contrast, *Burian* plainly shows and discusses rehabilitation of a paintbrush having straight bristles, with no disclosure whatsoever of hook material. As noted in MPEP 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Since this condition is not present here, kindly withdraw the rejections.

Additionally, one of ordinary skill would not regard *Burian*’s paint brush cleaning tool as being useful for restoring hook material in the manner recited in claim 1: since *Burian*’s device is designed and used for cleaning straight brush bristles, it would seem that if used on hook material, it would bend (straighten) the hooks, thereby damaging them and rendering them useless. We therefore submit that claims 15 and 18-21 are also unobvious in view of *Burian*.

It is also notable that claim 22, which recites multiple lines of teeth wherein the teeth in the lines are arrayed in echelon (i.e., the teeth in respective lines are staggered), is particularly unobvious in view of *Burian*. Initially, multiple rows of teeth would hinder brush cleaning: as seen in U.S. Patent 3,170,182, one wishes to clean by inserting the cleaning rake near the brush body (the part holding the brush bristles) and then rake toward the ends of the bristles to effect cleaning. If multiple rows of bristles were used, it would be difficult to insert the rake teeth since the trailing row(s) would interfere with the rake body. Thus, no ordinary artisan would contemplate the claimed arrangement. Arraying the teeth in echelon then further heightens unobviousness, since a first row of teeth might fit between brush bristles (as in *Burian*) – but then the following staggered row of teeth would then interfere with the bunched bristles situated between the teeth in the first row. Thus, no ordinary artisan would contemplate this arrangement either. In short, while *Burian* may seem to bear some structural similarities to the claimed arrangement, an ordinary artisan would not truly contemplate its adaptation for the claimed method.

Regarding *claim 23 and its dependent claims 24, 25 and 35*, claim 23 now recites rows of teeth wherein the teeth in the different rows are differently angled (as illustrated, for example, in FIGS. 2, 4, and 8). Such an arrangement is not present in *Burian*, nor can it fairly be said that such an arrangement would be contemplated by an ordinary artisan, particularly where all references of record which show the use of multiple rows of teeth show the use of teeth in each row which are parallel with the teeth in the other rows.

**5. Section 6 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 3,053,264 to Breton**

U.S. Patent 3,053,264 to *Breton* is directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair. *Claim 15 and its dependent claims 18-22* are submitted to be novel and unobvious in view of this arrangement for the reasons similar to those noted in the foregoing Section 4 of this Response, i.e., *Breton* is not used to restore hook material, nor would one use *Breton* for such a purpose because the hooks would be bent and damaged by *Breton* (which is, after all, intended to *straighten* the matter through which it is run). Since *Breton* is intended to straighten the matter through which it is run, and straightening of the hooks of hook and loop material is naturally undesirable, it cannot be obvious to modify the use of *Breton* to attain the claimed matter. See, e.g., MPEP 2143.01 (subsection entitled “The Proposed Modification Cannot Render The Prior Art Unsatisfactory For Its Intended Purpose”).

Regarding *claim 23 and its dependent claims 24, 25, and 35*, these claims are submitted to be novel and unobvious for reasons similar to those noted in the foregoing Section 4 of this Response: *Breton* does not show or suggest rows of teeth wherein the teeth in the different rows are differently angled, and it cannot be fairly said that an ordinary artisan would contemplate this arrangement.

**6. Section 7 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 671,047 to Fox**

U.S. Patent 671,047 to *Fox* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

**7. Section 8 of the Office Action: Rejection of Claims 15 and 18-33 under 35 USC §102 in view of U.S. Patent 5,297,882 to Korindes**

U.S. Patent 5,297,882 to *Korindes* is also directed to a hair brush wherein the bristles of the brush are moved between strands of hair to straighten the hair, and the comments at the foregoing Section 5 of this Response apply here as well.

**8. Sections 9-10 of the Office Action: Rejection of Claims 16-17 under 35 USC §103(a) in view of U.S. Patent 3,053,264 to Breton, U.S. Patent 671,047 to Fox, and/or U.S. Patent 5,297,882 to Korindes**

These claims are submitted to be allowable for at least the same reasons as their parent claim 15. In addition, claims 16-17 recite teeth spacings which are on the sub-millimeter level – which is extremely small. When the present invention is placed out of mind to guard against hindsight, and when the cited art is considered for all that it suggests, it cannot fairly be said that an ordinary artisan would contemplate sub-millimeter spacings where all prior art shows significantly larger spacings.

**9. New Claims 34-35**

New claims 34 and 35 are submitted to be allowable for at least the same reasons as their parent claims, and also because the features recited in these claims are novel and unobvious for the reasons discussed above.

**10. In Closing**

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



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